

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

SCOTT STERN, <i>pro se</i> ,	)	
	)	
Plaintiff,	)	CIVIL ACTION NO. 04-30176
	)	
v.	)	
	)	
UNIVERSITY OF MASSACHUSETTS,	)	
UNIVERSITY HEALTH SERVICES,	)	
DIRECTOR OF HEALTH SERVICES	)	
BERNETTE MELBY, ASSOCIATE	)	
COUNSEL BRIAN BURKE, BOARD OF	)	
TRUSTEES, et als.,	)	
	)	
Defendants.	)	

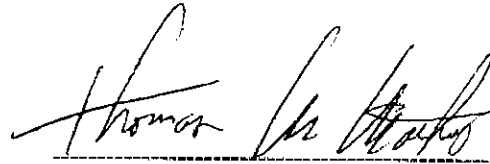
AFFIDAVIT OF THOMAS M. MATHERS

1. I, Thomas M. Mathers, have been in the Amherst Campus Controller's Office for 18 years. I have been Interim Bursar for approximately three months.
2. As Interim Bursar I am responsible for the day to day operations of the Amherst Campus Bursar's office. This office generates students bills and is responsible for collecting tuition and fees related to student accounts. The Bursar's Office is responsible for the assignment of sanctions for failure to pay their bills. This includes putting holds on a delinquent student account, as well as withdrawing students from the University for failure to pay their outstanding bill.
3. Authority for the above-described policy is derived from, Undergraduate Rights and Responsibilities, 2003-2004, University of Massachusetts Amherst, Code of Student Conduct Trustee Doc. #T-95-095A. (Attached), Section V "Registration in Courses and Withdrawal" provides, "To be officially enrolled, students must clear their fee bills and be registered in at least one course by the end of add/drop period. Students who fail to do this are not eligible for University services or use of facilities."
4. Also, at Section K, part 3, the Code of Student Conduct provides, "A student may be administratively withdrawn from the University if, after due notice, the student fails to satisfy an overdue financial obligation to the University . . . This means...registration, housing, and financial aid for the current semester will be canceled. The student will be

unable to register or pre-register for any subsequent semester until the administrative withdrawal is resolved.”

5. Mr. Scott Stern currently owes the University \$885, which breaks down as follows: \$70, Library charge, Summer '04; \$110, Senior fee Spring '04; \$705, Health Insurance Plan, Fall '03.
6. The \$705 Health Insurance from the Fall of '03 is the source of the hold. There was a hold placed on Mr. Stern's account for non-payment on March 22, 2004. He was administratively withdrawn from the campus on May 25, 2004.
7. Mr. Stern was sent a bill on 2/12/04 which was due on 3/8/04. The amount of the bill was \$1,211.00, and the message on the bill was 'If you are an active student this semester, please pay by due date to avoid a registration hold. If you are withdrawn, failure to pay will result in additional collection activity.'
8. Mr. Stern was then billed on 3/29/04 which was due on 4/15/04. The amount of the bill was \$1,211.00, and the message on the bill was 'PLEASE PAY THIS BILL BY THE SPECIFIED DUE DATE TO AVOID AN ADMINISTRATIVE WITHDRAWAL. IF YOU ARE WITHDRAWN, FAILURE TO PAY WILL RESULT IN ADDITIONAL COLLECTION ACTIVITY.'
9. Mr. Stern was then billed on 4/20/04 which was due on 5/3/04. The amount of the bill was \$815.00, and the message on the bill was 'PLEASE PAY THIS BILL BY THE SPECIFIED DUE DATE TO AVOID AN ADMINISTRATIVE WITHDRAWAL. IF YOU ARE WITHDRAWN, FAILURE TO PAY WILL RESULT IN ADDITIONAL COLLECTION ACTIVITY.' (This bill contained a new charge - the \$110 Senior Graduating Fee which was posted on April 2, 2004).
10. Mr. Stern was then billed on 6/16/04 which was due on 7/5/04. The amount of the bill was \$885.00, and the message on the bill was 'Failure to pay by the due date may result in a registration hold. If you are not an active student payment must be made in order to avoid further collections activity.' (This bill contained a new charge - the \$70 Library Fine which was posted on June 10, 2004).

Signed under the pains and penalties of perjury on <sup>September</sup>~~August~~ 21, 2004.

A handwritten signature in black ink, appearing to read "Thomas Mathers", written over a horizontal dashed line.

Thomas Mathers  
Interim Bursar  
University of Massachusetts Amherst

# Undergraduate Rights & Responsibilities

2003-2004

University of Massachusetts  
Amherst



*Includes academic calendar conduct and academic regulations and policies  
academic advice, assistance, or redress dispute resolution (sexual  
harassment and academic grievance) affirmative action and  
non-discrimination policy statement and key telephone numbers*

Issued by the Office of the Vice Chancellor for Student Affairs and the Office  
of the Provost

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## **Code of Student Conduct Trustee Doc. #T-95-095A.**

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Acting upon the authority granted to it by the provisions of Chapter 75 of the General Laws, the Board of Trustees adopts the policies and procedures herein contained which govern the conduct of students.

### **I. PREFACE.**

- A. This Code of Student Conduct (CSC) is applicable to any undergraduate student enrolled in or accepted for an academic program, regardless of credits carried, or any graduate or undergraduate student residing in University Housing facilities at the University of Massachusetts Amherst. The CSC also applies to any fraternities, sororities and Registered Student Organizations.
- B. The University has established these regulations regarding standards of conduct and scholarship in order to protect its educational purpose, provide for the orderly conduct of its activities, and safeguard the interests of the University community.
- C. The regulations contained in the CSC apply to student conduct which occurs at the University of Massachusetts Amherst or on the grounds of the other four colleges within the Five College Consortium (Smith College, Amherst College, Hampshire College, Mount Holyoke College) or at any event sponsored by any of these institutions regardless of location. In addition, the University may apply the standards set forth in the CSC to serious violations of the law or acts of misconduct which occur in other locations when the behavior distinctly and directly affects the University community.
- D. Students who violate these or other duly established regulation become subject to disciplinary action and the procedures described herein.
- E. Students may be accountable to both civil authorities and to the University for acts which constitute violations of law and of the CSC. Disciplinary action at the University will normally proceed during the pendency of criminal proceedings and will not be subject to challenge

## **V. REGISTRATION IN COURSES AND WITHDRAWAL.**

Registration is one of the conditions required to maintain enrollment at the University. To register is to become an official member on a class roster. (Refer to II, Enrollment Categories.) To be officially enrolled, students must clear their fee bills and be registered in at least one course by the end of the add/drop period. Students who fail to do this are not eligible for University services or use of facilities.

Enrollment in regular University courses is available through the regular University registration procedures, administered by the Registrar, to full-time and part-time degree-seeking students, and to non-degree-seeking students. Non-degree students who have previously enrolled in but not completed an undergraduate degree program in the University must register for regular University courses as non-degree students through the regular University registration procedures.

Enrollment in regular University courses through the Division of Continuing Education is available on a space-available basis only to BGS students; students enrolled in special academic programs identified and approved for such registration by the Provost's Office; and non-degree-seeking students who have not previously been enrolled in an undergraduate degree program at the University.

### **A. Course Registration.**

Courses will be recorded and credits awarded on the permanent records of the University only if students have registered for such courses in accordance with procedures established by the Registrar. Course enrollments should be recorded in the term in which the work is performed.

### **B. Pre-Registration.**

1. Students who pre-register for University and Five College courses must do so in the designated period.
2. Students on Academic Probation, returning after Academic Suspension or late withdrawal, or upon reinstatement after Academic Dismissal, must consult with their Undergraduate Dean. Students who wish to attend part-time during the next semester must declare their intent to the Registrar during the pre-registration period. (See II, Enrollment Categories, Section B, for restrictions.)

**K. Withdrawal from the University.**

Students may at any time terminate their affiliation in the current semester with the University for personal, academic, financial or medical reasons by processing the University Withdrawal Form. The students' Undergraduate Dean or the Director of University Health Services will determine the effective date of the withdrawal. Students' eligibility to return is determined by their academic status after the withdrawal is processed. Students eligible to return after a withdrawal must apply for readmission by the established deadlines (see L, below).

1. Student-Initiated Withdrawal from the University
  - a. Students may initiate a request to withdraw from the University through their Undergraduate Dean, whose approval is required.
  - b. The official date of the withdrawal will be established by the Undergraduate Dean.
  - c. If the effective date of withdrawal is before the middle of the semester, the semester will not count as one of the ten semesters permitted for completion of graduation requirements. If the effective date of withdrawal is after the middle of the semester, the semester will count as one of the ten semesters.
  - d. Both the official transcript and the internal record will list each course with a W, unless the effective date of withdrawal is the end of the semester, in which case grades will appear.
  - e. If a student wishes to withdraw within three weeks prior to the last day of classes, the student's Undergraduate Dean may set the effective date of withdrawal for the end of the semester (the last day of the final examination period). In this instance, grades earned at that time will appear on the transcript and the semester will count. These actions may adversely affect the student's academic status and eligibility to return in a subsequent semester.
2. Health Withdrawal

If circumstances warrant, students may request a medical withdrawal for reasons related to their physical and/or

mental health. These withdrawals are initiated through University Health Services (UHS). The student's Undergraduate Dean will determine the academic effect of the withdrawal based on this date. The effective date will be set by the Director of UHS. Prior to readmission, all students who have a medical withdrawal must have an interview with the University Health Services. (Refer to Health Withdrawal, under Administrative Policies & Procedures.)

### 3. Administrative Withdrawal

A student may be administratively withdrawn from the University if, after due notice, the student fails to satisfy an overdue financial obligation to the University or to comply with certain administrative requirements. (Refer to Administrative Withdrawal Procedures, under Administrative Policies & Procedures.) This means students' pre-registration or registration, housing, and financial aid for the current semester will be canceled. The student will be unable to register or pre-register for any subsequent semester until the administrative withdrawal is resolved. All matters must be resolved by the late pre-registration or late enrollment deadline in order for the student to be considered enrolled. If the Administrative Withdrawal occurs during a semester in which the student is enrolled, he or she may continue to attend classes for that semester, while resolving the obligation which led to the withdrawal. If a graduating senior is administratively withdrawn his/her graduation date will be determined by the date of resolution which clears the outstanding obligation.

### 4. Leaves of Absence

A student who is not subject to academic suspension or dismissal may choose to withdraw from the University after the end of any semester of enrollment (and prior to the beginning of the following semester), by notifying the Registrar. The effective date of withdrawal will be the last date of the semester during which the student was enrolled. Students who take such a leave of absence are